

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
) Case No. 1:16CR00058 AGF (ACL)
v.)
)
CLAY WALLER,)
)
Defendant.)

**MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS
AND INCORPORATED REQUEST TO CONTINUE
EVIDENTIARY HEARING**

COMES NOW Defendant, CLAY WALLER, by and through undersigned counsel, and hereby requests a 30-day extension of time, or until March 1, 2017, to file applicable pretrial motions and further requests a continuance of the presently scheduled evidentiary hearing. In support of said requests, Defendant hereby states as follows:

1) On December 15, 2016, this Court entered its Order Concerning Competency Hearing and Pretrial Motions thereby setting forth an applicable pretrial motion deadline of February 1, 2017, and a related evidentiary hearing for March 7, 2017 at 10:00 a.m. Said Order was based, in part, on representations made by Counsel as to scheduling. *See Order*, on file with this Court as Doc. 41.

2) Congruent with a traditional discovery review, and in accordance with this Court's order concerning a pretrial deadline, the undersigned continued an in-depth review and analysis of the discovery materials in anticipation of reviewing the same with the Defendant. However, logistics regarding discovery review and analysis have been complicated by the Defendant's extended time with the Bureau of Prisons for his psychological examination, and the

volume of discovery requiring review and transcription. This process remains ongoing.

Accordingly, Counsel and Defendant are in need of additional time in which to review all documents purportedly related to this case so Defendant can make a reasoned and educated assessment of the viability of filing pretrial motions and further to file fact-specific motions as this Court historically requests.

3) Given the nature of the charge(s) in issue, to include the potential penalty for a conviction of the same, the gravity of this particular case requires this additional consideration. Notwithstanding the results of the prior status conference, Counsel states that this request is necessary, and therefore, not designed to cause undue delay with the progression of this case.

4) Counsel has contacted the assigned Assistant United States Attorney, Larry Farrell, who advised that his office would not object to the requested extension of time to file pretrial motions and the request to continue the present evidentiary hearing of March 7, 2017.

WHEREFORE, for the foregoing reasons, Defendant Waller requests this honorable Court issue its order granting the 30-day extension of time to file applicable pretrial motions, and also to continue the evidentiary hearing presently set for March 7, 2017 as this Court's schedule permits, and for any and further relief this Court finds just and prudent under the circumstances.

Respectfully Submitted,

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Attorney for Defendant James Clay Waller

Certificate of Service

I hereby certify that on January 9th, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Larry H. Ferrell
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Assistant United States Attorneys
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e/s John M. Lynch